

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

AMERICAN FAMILY LIFE ASSURANCE)
COMPANY OF COLUMBUS,)
Petitioner,)
v.) Civ. No. 4:22-cv-00031-CDL
ADRIANA OLIVIERI CINQUEMANI,)
Respondent.)

ORDER

Petitioner American Family Life Assurance Company of Columbus (“Aflac”) filed a Motion for Imposition of Civil Contempt Sanctions and for Expedited Review and Hearing (the “Motion”). The Court held a hearing on this matter via videoconference on Wednesday, September 7, 2022, at which counsel for Aflac appeared. Neither Respondent Adriana Olivieri Cinquemani (“Respondent”) nor her counsel appeared at the hearing, although they were notified of the hearing and given an opportunity to be heard. Specifically, counsel for Aflac electronically served a copy of the order setting the September 7 hearing on Respondent’s counsel on August 29, 2022 and served Respondent directly via UPS Next Day Air on August 29, 2022. Counsel for Aflac received confirmation that UPS delivered the order setting the September 7 hearing to Respondent on August 30, 2022.

The Court made the following oral findings at the hearing based upon clear and convincing evidence: (1) the Court’s March 9, 2022 Order and Final Judgment [ECF No. 12] was valid and lawful; (2) the Order and Final Judgment was clear and unambiguous; (3) Aflac’s counsel served the Order and Final Judgment on Respondent and Respondent’s counsel; and (4) Respondent had the ability to comply with the Order and Final Judgment and/or appeal it, but

chose not to do so, and instead continued to litigate *Cinquemani v. American Family Life Assurance Company of Columbus and Does 1 to 50*, No. CIV-SB-2135234 in the Superior Court of California for the County of San Bernardino (the “California Court Action”) by filing an amended complaint alleging claims under the Private Attorneys General Act (“PAGA”). The Court further found that Respondent’s conduct was in clear violation of the Court’s order and that Respondent failed to show cause why she should not be held in contempt. The Court consequently found that Respondent is in contempt for violating the Order and Final Judgment. Accordingly, the Court granted Aflac’s Motion orally at the hearing and ordered the following, which it now reduces to writing:

1. Aflac is entitled to recover from Respondent its attorneys’ fees and legal costs in the amount of \$27,832.51, which the Court found were incurred in preparing and filing the Motion, and which the Court found were reasonable and necessary. Respondent shall pay the \$27,832.51 to Aflac through Aflac’s counsel at Alston & Bird within fourteen (14) calendar days of the date of this Order.

2. Respondent shall pay a daily civil fine payable to the Court, which shall be held in the registry of the Court, in the amount of \$120 per calendar day, beginning on Monday, September 12, 2022, for every day she pursues the California Court Action in violation of the Order and Final Judgment. Such payments must be made to the Court on a weekly basis, starting on September 19, 2022.

Aflac shall have this Order served on Respondent and her counsel promptly.

This 8th day of September, 2022.

S/Clay D. Land
HON. CLAY D. LAND, U.S. District Judge